

KM&M
KAUFF M c C L A I N & M c G U I R E L L P

ONE POST STREET · SUITE 2600
SAN FRANCISCO, CA 94104

TELEPHONE (415) 421-3111
TELECOPIER (415) 421-0938

MATTHEW P. VANDALL
VANDALL@KMM.COM

NEW YORK
SAN FRANCISCO
LOS ANGELES
WWW.KMM.COM

November 8, 2007

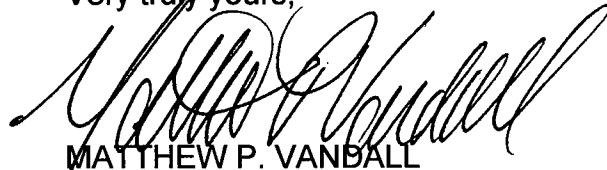
Hon. Joseph C. Spero
Magistrate Judge
United States District Court
Northern District of California
Courtroom A, 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Coyness L. Ennix, Jr., M.D. v. Alta Bates Summit Medical
Center – Case No. C 07-2486 WHA (ENE)

Dear Magistrate Judge Spero:

This letter supplements my October 12 and 15, 2007 letters. After e-filing those letters, the Summit Medical Staff located records from the 1992-1994 time period which are pertinent to the issues which will be discussed during tomorrow's hearing. Following a review of those records and a discussion with Plaintiff's counsel, ABSMC sent an additional notice to affected persons who underwent peer review at Summit and who fell within the scope of Plaintiff's Special Interrogatories. See e.g., Oct. 12, 2007 Ltr. at p. 3 and Exh. B. This latter notice resulted in a written objection from one physician, which objection was timely received by the Summit Medical Staff on November 2nd. Following an effort to understand the extent of the objection, ABSMC received today a clarifying letter objecting to the production of peer review information even if the information omits the affected physician's name. I advised Plaintiff's counsel of ABSMC's receipt of this letter (a redacted version of which is attached hereto as Exhibit A) before submitting it to you for consideration in conjunction with tomorrow's hearing.

Very truly yours,



MATTHEW P. VANDALL
Counsel for Defendant
ALTA BATES SUMMIT MEDICAL CENTER

EXHIBIT A

DONNELLY NELSON DEPOLO & MURRAY LLP

ATTORNEYS AND COUNSELORS AT LAW

SHADELANDS POINT

2401 SHADELANDS DRIVE, SUITE 120
WALNUT CREEK, CALIFORNIA 94508-2428

TELEPHONE (925) 287-8181

FACSIMILE (925) 287-8188

THOMAS J. DONNELLY
JAMES M. NELSON
DAVID A. DEPOLO
SCOTT F. MURRAY
RALPH J. SMITH
CHRISTINE M. WHEATLEYERIN R. SAGEY
VANESSA L. EFREMSKY
SANDRA K. MCINTYRE
RASHMI NIJAGAL
AMY K. LEEOF COUNSEL:
SONIA M. DAHL

E-MAIL ADDRESS:

cwhcatley@dndmlawyers.com

November 8, 2007

Matt Vandall, Esq.
Kauff, McClain & McGuire
One Post Street, Suite 2600
San Francisco, CA 94104

Re:

REDACTED

Dear Mr. Vandall:

Thank you for your telephone messages. This letter is to advise you that our client, objects to the use of confidential Peer Review information that pertains to him even if the information or summary of the information does mention Dr. name. I hope this answers your inquiry. If you have any questions, please do not hesitate to contact Tom Donnelly or the undersigned.

Very truly yours,

DONNELLY NELSON DEPOLO & MURRAY

By:


Christine M. Wheatley

CMM:cmm:glm